

claims the benefit of PCT/EP91/00620, filed April 2, 1991, and EP 90810262, filed April 2, 1990. --

IN THE CLAIMS

Please add new claim 80:

DS
-- 80. A contrast agent comprising an aqueous suspension of stabilized microbubbles, said stabilized microbubbles comprising a physiologically acceptable gas that is a freon, said stabilized microbubbles being stabilized at least in part by a mono-molecular layer of one or more phospholipids. --

REMARKS

Schneider et al. has sought an interference with U.S. Patent Nos. 5,567,413 and 5,536,490, both to Klaveness et al., with this application. This effort is demonstrated in the last two amendments made to this application (i.e., the July 15, 1997 and the October 16, 1997 amendments). Schneider et al's assignee, Bracco International B.V., is also seeking to add this application to Interference No. 103,881, which is currently pending.

Support for claim 80 is found throughout the Applicants' specification and the claims as first filed (e.g., claim 1). For example, a description of the "contrast agent comprising an aqueous suspension of stabilized microbubbles" is found specifically at page 1 of the specification. The use of a "mono-molecular layer of a film-forming surfactant" is disclosed at page 5 ("one or more molecular layers") and claim 2 as filed ("mono-molecular layer"). The specification also discloses the use of "phospholipids" on page 10. The "physiologically

acceptable gas that is freon" is disclosed on pages 9 and 15 ("physiologically acceptable gases like . . . freon . . .").

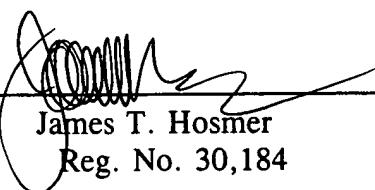
The Applicants believe that this claim is patentable because it meets the requirements of 35 U.S.C. § 112, as shown supra, and the Applicants are not aware of any prior art that would invalidate it. To Applicants' knowledge, no single prior art reference contains all of the elements of the claim and no combination of references would provide the claimed invention.

Applicants wish to clarify the last two amendments (i.e., the July 15, 1997 and the October 16, 1997 amendments). Applicants included claims directed to saturated phospholipids (e.g., claims 28 and 57) as generally being the same patentable invention as claims directed to stabilized microbubbles in general. While claims directed to saturated phospholipids are specific selections of broader claims drawn to stabilized microbubbles that use surfactants, amphiphiles or phospholipids in general, claims directed to saturated phospholipids describe a separately patentable invention with significant and surprising advantages over claimed subject matter generally drawn to stabilized microbubbles, including claims drawn to the use of surfactants, amphiphiles or phospholipids in general (See Declaration of Michael Schneider, attached hereto, which has been submitted in other applications (e.g., 08/456,385) and which establishes the separate patentability of saturated phospholipids).

Early and favorable action on the claims is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

James T. Hosmer
Reg. No. 30,184

1100 North Glebe Road 8th floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100